

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

WILBERT M. SEWELL,)	
)	
Petitioner/Defendant,)	
)	CIVIL NO. 06-cv-686-DRH
vs.)	
)	CRIMINAL NO. 05-cr-30059
UNITED STATES of AMERICA ,)	
)	
Respondent/Plaintiff.)	

MEMORANDUM AND ORDER

HERNDON, District Judge:

This matter is before the Court on Petitioner's motion for relief pursuant to 28 U.S.C. § 2255. On May 26, 2005, Petitioner pleaded guilty, pursuant to a written plea agreement, to one count of being a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1). On September 1, 2005, Petitioner was sentenced to 46 months imprisonment, three years supervised release, a fine of \$300, and a special assessment of \$100. The judgment was entered on September 6, 2005. No appeal was taken. On September 5, 2006, Petitioner filed the instant motion under § 2255.

In his motion the Petitioner raises two grounds for relief: (1) that the Court failed to offer Petitioner credit to his federal sentence for time served in state custody for an underlying offense, and (2) that his counsel was ineffective for failing to file an appeal.

The Court **ORDERS** the Government to file a response to Petitioner's motion within

THIRTY (30) DAYS of the date of this Order. The Government shall, as part of its response, attach all relevant portions of the record.

IT IS SO ORDERED.

DATED: October 23, 2006

/s/ David RHerndon
DISTRICT JUDGE